

## REMARKS

The Examiner has imposed a Species Election asserting that the pending claims are directed to more than one species of the generic invention. The Examiner asserts that the pending claims do not form a single general inventive concept under PCT rule 13.2 because under PCT rule 13.2 the species lack the same technical feature.

The Applicant hereby cancel pending claims 1-44 without prejudice and submit new claims 45-58. Applicant fully reserves the right to prosecute the subject matter of the canceled claims in related applications.

Support for claims 45-58 can be found throughout the specification and claims. However, the Examiner's attention is especially drawn to the originally filed claims 1-32 which provide support for the new claims. No new matter is presented.

The Examiner's Restriction Requirement stated the following:

The species are as follows:

a) Applicant is required to state whether or not the preparation or precursors thereof will be produced with or without the help of the granulation process or with or without the help of the extrusion process. In the event that the preparation will entail the use of granulation mechanism, applicant is further required to elect a particular mode of granulation preparation of the present preparation (*i.e.*, build-up granulation vs. breakdown granulation). Alternatively, applicant may elect a specific mode of preparation out of the list below:

- 1) Preparation produced without granulation
- 2) Preparation produced without extrusion
- 3) Preparation produced with extrusion
- 4) Preparation produced with build-up granulation
- 5) Preparation produced with break-down granulation.

Furthermore, the recitation of claims 36 and 41 suggests that the preparation may further entail the addition of agents. Applicant is required to also elect whether or not additional agents will be added to the preparation (as disclosed in claims 36 and 41).

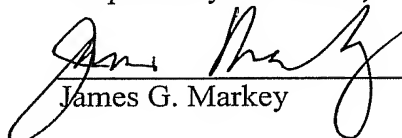
Newly submitted claims 45-58 include only one independent claim, claim 45. Applicant respectfully submits that the newly submitted claims are directed to pharmaceutical preparations, and are not limited to any method(s) of preparation. Additionally, new claim 53 requires that the preparation further comprises one or more materials selected from the group consisting of lubricants, flowing agents and plasticizers. Claim 54-56 further defines the inclusion of such additives. No other claims require the inclusion of such additives. In view of the foregoing, Applicants respectfully request that the Election Requirement be withdrawn. Entry of the remarks made herein is respectfully requested.

In the event that the Examiner maintains the outstanding Restriction Requirement, applicant provisionally elects the preparations produced with build up granulation. Applicants further provisionally elect the preparations without the addition of agents set forth in claims 53-56.

No fee is believed to be due for this response, beyond the five month extension provided for in accompanying documents. However, should any additional fee be required, please charge such fee to Duane Morris Deposit Account No. 04-1679.

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Respectfully submitted,

  
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